

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 09-CR-160

JAMES ZANTO,

Defendant.

ORDER DENYING REQUEST FOR DELAY IN REPORTING TO PRISON

On February 12, 2010, this Court sentenced James Zanto to a thirty-three-month term of imprisonment on a single count of bank fraud. Zanto was allowed the privilege of self-surrender and has since been designated for placement at FCI McKean in Lewis Run, Pennsylvania and told to voluntarily surrender on March 23, 2010 by 2:00 p.m. Counsel for Zanto has, by letter, requested that the Court delay his reporting date for a period of at least thirty days to allow him time within which to appeal the designation of McKean to the Bureau of Prisons. He indicates that in his twenty years of experience he has not had a client with Mr. Zanto's background be sentenced to a federal prison such a distance away from his home. He also indicates that, in his experience, a non-violent first-time offender such as Mr. Zanto who received a relatively short prison term would be designated to a federal prison camp, as opposed to a federal prison.

The request will be denied. No delay is necessary to allow counsel to appeal the designation. The issue of where a prisoner is housed rests in the discretion of the Bureau of Prisons. In the event counsel is successful in convincing the BOP that his client merits a different placement, a transfer

can be arranged. This Court's involvement in placement within the prison system extends to a recommendation and, given a national prison system, it is not unusual to see prisoners serving their sentences in areas far distant from their homes. This type of separation is implicit in the very notion of incarceration and does not strike the Court as the type of occurrence warranting the relief of delaying the reporting date. Accordingly, the request is denied.

SO ORDERED this 19th day of March, 2010.

s/ William C. Griesbach

William C. Griesbach
United States District Judge